

REMARKS/ARGUMENTS

Claims 1-5, 7-16 and 18-21 are pending in this application. In response to the final Office Action for this application dated December 18, 2006, applicant filed a responsive Amendment Pursuant to 37 C.F.R. 1.116 on March 23, 2007 which included proposals for amending several of the claims of the application. An Advisory Action was, thereafter, issued by the Examiner on April 10, 2007. The Advisory Action stated that amendments proposed in the March 23rd submission would not be entered because they raised new issues that would require further consideration and/or search.

Submitted herewith in response, therefore, is a Request For Continued Examination under the provisions of 37 C.F.R. §114, which requests entry of the claim amendments set forth in the March 23, 2007 Amendment. In addition to the RCE request, applicant is submitting this Supplementary Amendment, which is provided to further amend several of the claims of the application beyond the amendments proposed in the March 23, 2007 submission and to further clarify for the Examiner how the claims of the present application, as amended, clearly distinguish the claimed device and method over the prior art cited in the Final Office Action.

In this Supplementary Amendment, apparatus claim 21 has been amended to render it dependent upon claim 1. Additionally, method claim 16 has been amended to include an additional method step of locating a horizontal seal at a contact surface between the treatment tank and the pump circulation tank, which seal corresponds to the seal recited in claim 1 as previously amended in the March 23, 2007 submission. All of the claim amendments are completely supported by the application as filed and, thus, no new matter is being introduced. Entry of these amendments into the file of the present application is, therefore, respectfully requested since they are believed to place this entire application in condition for allowance or, at a minimum, to materially reduce the issues for an appeal.

CLAIM REJECTIONS UNDER 35 USC 103

In the Final Office Action dated December 18, 2006, claims 1-5, 7-16 and 18-21 are rejected under 35 U.S.C. 103 over Sylvain (5,932,025) in combination with Wissmann et al. (6,427,706), Pugh et al. (5,566,694), Volz et al. (2004/0099292) and Ammermann et al.

(5,579,788) on the bases set forth in ¶2 on pps. 2-7. These grounds of rejection are, however, respectfully traversed for the reasons which follow.

Due to the claim amendments made herein, there are, at present, two independent claims pending in this application. Claim 1 is an independent apparatus claim, whereas claim 16 is an independent method claim. All of the remaining claims (including previously independent claim 21) depend upon one or the other of those two claims. Thus, the discussion which follows will be directed to the features recited by the independent claims that render them Non-obvious (as well as Novel) over the combination of references cited by the Examiner. Thereafter, once the independent claims are demonstrated as being distinguishable, since each dependent claim includes all of the elements recited in the claim from which it depends, the fact will be that the subject dependent claims should be deemed distinguishable for the same reasons as the independent claims from which they depend.

Turning first to a discussion of the independent apparatus claim (i.e., claim 1), the previous Examiner stated in the December 18, 2006 Office Action that, “The subject matter of claim 1 . . . differs from [the] Sylvain system in that the pump circulation tank has a bottom, having a slope over the entire length, the slope being aligned in the strip running direction and transversely in relation to the strip running direction.”

The above statement, of course, does not take into account the claim amendments to claim 1 made in applicant’s March 23 2007 Amendment, which now form part of the present application pursuant to the RCE request filed herewith. As amended, claim 1 now recites *inter alia*, “at least one horizontal seal located at a contact surface between the treatment tank and the at least one pump circulation tank, wherein said at least one seal substantially prevents escape of volatile constituents of said treatment liquid from the pump circulation tank”. As previously argued, moreover, beginning at p. 8 of applicant’s March 23, 2007 Amendment, although in the description found in col. 3 at lines 11-15 of the Sylvain U.S. ‘025 patent the side walls of the lower tank are described as having a “sealing layer 32”, this sealing layer is NOT the same as the claimed seal (i.e., in applicant’s claim 1) between the treatment tank and the pump circulation tank when those two parts are combined. The sealing arrangement claimed for use with the apparatus in, e.g., claim 1, is positioned and arranged in order to solve an entirely different

problem than that solved by ‘sealing layer 32’ as described by the reference. In the presently claimed device the contact surface comprising a seal provides a gastight sealing between the treatment tank and the at least one pump circulation tank. In contrast, however, the ‘seal’ described by Sylvain is used to assure a safe storage of the treatment fluid (i.e., a pickling acid) when using a metallic enclosure coated with a refractory material. One having ordinary skill in this field would not find any suggestion in Sylvain to produce the claimed sealing arrangement which would serve to prevent the leakage of volatile vapors produced by the liquid in the (at least one) pump circulation tank. This is due, *inter alia*, to the fact that the Sylvain reference contains no teaching (or suggestion) that the rubber material used for sealing layer 32 is used to seal the contact surface between the upper and lower tanks. Applicant, therefore, respectfully submits that any such interpretation is based upon a hindsight reliance upon the teachings found in applicant’s own specification, which is a prohibited basis for making a rejection under §103(a).

Further to the above, moreover, in further support of applicant’s contention that layer 32 does not serve as a seal between the upper and lower tanks, applicant submits that, if layer 32 did operate as postulated by the Examiner, the ‘sealing effect’ would be produced by vertical seals arranged on opposed vertical surfaces located on the lower tank at either side of the upper tank. This would mean that there would be substantial pressures placed on these vertical contact surfaces due to the fact that, as would be well known by one of ordinary skill in this art, the upper tank is a very large part, i.e., it may be more than 20 meters in length and many tons in weight. If one were to attempt to construct an arrangement with such a large and heavy tank between two vertical sealing surfaces, the seals would likely be damaged each time the tank was removed or installed, leading to significant ‘down time’ of the system as well as substantial increases in costs due to the system being out of service and for the repairs necessary to place it back into service.

Thus, for the reasons above applicant respectfully submits that the arrangement described in Sylvain is not the same as, nor would it suggest, the sealing arrangement taught for use in applicant’s invention. Therefore, in an attempt to advance the prosecution of this application applicant amended claim 1 of this application to even further distinguish the invention over the cited art. As noted above, as now amended the subject claim now recites that the device according to the invention comprises, *inter alia*, at least one horizontal seal at a contact surface

between the treatment tank and the at least one pump circulation tank, wherein the at least one seal substantially prevents escape of a volatile constituents of the treatment liquid from the pump circulation tank.

Applicant respectfully submits that nowhere in Sylvain is there any disclosure which teaches or even suggests the presence of such a horizontal seal as now claimed at a location between the two tanks. That is, the seal is now claimed as being both horizontal and as a separate element, i.e., separate from the wall forming either of said tanks, i.e., it does not form part of a wall constituting one said tank as is the case with Sylvain. Furthermore, as noted above, the only discussion in Sylvain relating to a seal is that found at col. 3, lines 11-15. However, there is NO disclosure at that location which would teach or even suggest to use such a sealing arrangement as now recited in claim 1 which would substantially prevent escape of vapors from the (at least one) pump circulation tank. Based upon the reasoning presented above, therefore, applicant respectfully submits that claim 1 and the claims depending therefrom are distinguishable over the Sylvain reference.

Further to the above, applicant additionally submits that none of the so-called ‘secondary’ references cited by the Examiner (i.e., Wissmann, et al., Pugh et al., Volz, et al. and/or Ammermann, et al.) contain any teaching or disclosure which would provide the element(s) of the claimed invention missing from Sylvain, notably (but not limited to) the sealing arrangement recited in claim 1 and thus applicant’s device as now claimed is believed to be entirely distinguishable over the art cited in combination in the present Office Action. The Examiner is, therefore, respectfully requested to withdraw the rejection of claim 1. In addition since, as noted above, the claims depending upon claim 1 (including previously independent claim no. 21) each contain all of the recitations expressed in claim 1, those claims are believed to be distinguishable over the cited combination of references for the same reason(s) as claim 1.

We now turn to the method recited in independent claim 16 and dependent claims 18 and 19, which are rejected over the same combination of references discussed above. The rejection of applicant’s method claims is also respectfully traversed, essentially for the same reasons as the rejection of the apparatus claims. That is, claim 16 is herein amended to add the additional step of, “locating at least one horizontal seal at a contact surface between the treatment tank and the

pump circulation tank, wherein said at least one seal substantially prevents the escape of volatile constituents of said treatment liquid from said pump circulation tank". As indicated in the discussion above concerning the apparatus claims, neither the primary (Sylvain) reference, nor any of the secondary references, teach or even suggest the sealing arrangement now recited in method claim 16 and the subject claim is, therefore, respectfully submitted as being distinguishable over the prior art in its present form. Moreover, dependent claims 18 and 19 should be found allowable for the same reasons as claim 16.

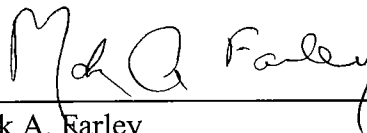
SUMMARY

Based on the amendments and remarks presented in applicant's March 23, 2007 Amendment as well as those contained in the present Supplementary Amendment, the claims of this application are believed to distinguish both applicant's apparatus and method over all of the cited art. The Examiner is, therefore, respectfully requested to reconsider and withdraw all of the rejections of applicant's claims and to pass the application through to issuance, early notice of which would be appreciated.

If the Examiner does not agree and believes that an interview may advance the prosecution of this application, he is respectfully encouraged to telephone applicant's representative at the number below, whereupon an interview concerning this case will be arranged.

Respectfully submitted,

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